

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	08-00173-01-CR-W-DW
v.)	
)	
THEOTIS MUHAMMAD,)	
Defendant.)	

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGE: On June 25, 2008, the Grand Jury returned a two count indictment against defendant Theotis Muhammad. Count One of the indictment charges that on or about May 28, 2008, defendant Muhammad committed armed bank robbery. Count Two of the indictment charges that on or about May 28, 2008, defendant Muhammad used, carried, and brandished, a firearm during and in relation to a crime of violence, that is, armed bank robbery.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Michael Green
Case Agent: FBI Special Agent Benjamin Kinsey
Defense: Steve Moss

OUTSTANDING MOTIONS: The undersigned has prepared a Report and Recommendation with respect to Defendant's Motion to Suppress Evidence and Statements with Suggestions (doc #21). The District Court's ruling on this motion is pending.

TRIAL WITNESSES:

Government: 15 without stipulations
Defendants: 1 witnesses, the defendant

TRIAL EXHIBITS

Government: 20-25 exhibits
Defendant: 5 exhibits for defendant

DEFENSES: General denial

POSSIBLE DISPOSITION:

(☒) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 2 ½ -3 days

Government's case including jury selection: 1 ½ days

Defense case: ½ day

STIPULATIONS: None

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, September 24, 2008

Please Note: Jury instructions must comply with Local Rule 51.1. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy¹.

Motion in Limine: None

TRIAL SETTING: Criminal jury trial docket commencing September 29, 2008.

Please note: The parties jointly request the first week of the docket due to defense counsel's travel plans during the second week of the docket.

IT IS SO ORDERED.

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which is prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov. Only instructions as to which there is no agreement should be filed individually.